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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,477	11/30/2001	John Curtsinger	0275Y-000536	6540

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EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

08

<b>Office Action Summary</b>	<b>Application No.</b> 09/998,477	<b>Applicant(s)</b> CURTSINGER, JOHN	
	<b>Examiner</b> Ghassem Alie	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 59-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 59-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/26/03 &amp; 12/22/03</u> | 6) <input type="checkbox"/> Other: _____  |

***Comment on Double Patenting Rejection***

1. The rejection of claims 59 and 61-63 under 35 U.S.C. 101 as claiming the same invention as that of claims 40, 42, 43, and 54 of copending Application No. 10/122,156 is withdrawn, due to terminal disclaimer submitted on 03/10/04.

***Comment on Summary of Interview Pursuant to MPEP 713.04***

2. Applicant has indicated that the Examiner and the supervisory Patent Examiner Allan Shoap agreed that the patent to Hill did not appear to be applicable to the claims as presented. It needs to be clarified that the Examiner and the supervisory Patent Examiner Allan Shoap only agreed that the patent to Hill does not appear to teach the limitation "the heat shrinking material directly contacting tips of the teeth of the saw blade" as set forth in the amended claim 59.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

4. Claims 59-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (2,010,082) in view of Estkowski et al. (4,696,394), hereinafter Estkowski, and in further view of Havens et al. (5,033,253), hereinafter Havens. Regarding claim 59, Hill teaches a saw blade S including first and second sides, a peripheral edge, and a plurality of teeth that extend along the peripheral edge. Hill also teaches a cover C, C' that has first and second portions with opposite inner and outer surfaces. Hill also teaches that the first portion of the

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cover C, C, is facing the first side of the saw blade S and the second portion of the cover C, C' is folded over the first portion with the inner surface of the second portion facing the second side of the saw blade S. Hill also teaches that the teeth of the saw blade S are secured between the first and second portions of the cover. See Figs. 1-2 and page 1, lines 1-55 in Hill. Hill teaches that the cover C, C' covers the teeth of the saw blade S and the disks D and D'. The cover C, C' is considered to be made of a heat shrinking material since it has an application of a hard gum type material that can be melted in response to heating for cementing the cover C, C' to the surfaces of the disks D, D'. However, Hill does not expressly teach that the cover is made of heat shrinking material and is directly contacting tips of the teeth of the saw blade. The use of heat shrinking material with different strengths to cover or protect annular objects are well known in the art such as taught by Estkowski. Estkowski teaches a protective cover 10 made of shrinking material for covering annular object 11. The cover has first and second portion with opposite inner and outer surfaces. The cover 10 also is directly contacting the peripheral edge of the annular object 11. See Fig. 1 and col. 2, lines 26-68 and col. 3, lines 1-61 in Estkowski. It would have been obvious to a person of ordinary skill in the art to replace the protective cover of Hill's circular saw with the cover made of heat shrinking material as taught by Estkowski in order to efficiently adhere the cover to the sides of the saw disk, without the need of cardboards, and be able to easily remove the cover from the peripheral edge of the circular disk. Hill as modified by Estkowski teaches that the heat shrinking covers the peripheral edge of the circular disk. Hill as modified by Estkowski does not expressly teach that the heat shrinking material contacts the teeth of the saw blade. However, the use of shrinking materials with particular strengths

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to cover or protect sharp edges of tools or objects are well known in the art such as taught by Havens. Havens teaches a heat shrinking material 7 covers a sharp point 9 of an object 10. See Fig. 2 and col. 10, lines 1-10 in Havens. It would have been obvious to a person of ordinary skill in the art to extend the protective cover of Hill's circular saw, as modified by Estkowski, over the teeth of the circular saw as taught by Havens in order to protect the teeth of the circular disk with a cover which easily attaches to the peripheral edge of the circular saw.

Regarding claim 60, Hill teaches everything noted above including that the saw blade S is generally circular and the first portion has a generally circular edge and the second portion extends from the first portion along peripheral edge of the first portion. See Figs. 1 and 2 in Hill.

Regarding claims 61 and 62, Hill as modified by Estkowski teaches everything noted above including that the first portion of the cover 10, as taught by Estkowski, has a circular central opening and forms a ring shape with the second portion of the cover 10. The ring shape has an annular channel between the inner surface of the first and second portions in which the portions of the first and second sides and the teeth of the saw blade S reside. See Fig. 1 in Estkowski.

Regarding claim 63, Hill as modified by Estkowski teaches everything noted above including that the heat shrinking material 10, as taught by Estkowski, is PVC. See col. 2, lines 45-57 in Estkowski.

Regarding claim 64 and 65, Hill as modified by Estkowski teaches everything noted above including that the first and second portions of the cover 10, as taught by Estkowski, are

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respectively disposed against the first and second sides of the blade S. See Fig. 1 in Hill and Estkowski.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

6. Claims 59-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estkowski in view of Hill and in further view of Havens. Regarding claim 59, Estkowski teaches a protective cover 10 made of shrinking material for covering annular object 11. The cover has first and second portion with opposite inner and outer surfaces. The cover 10 also is directly contacting the peripheral edge of the annular object 11. See Fig. 1 and col. 2, lines 26-68 and col. 3, lines 1-61 in Estkowski. However, Estkowski does not teach that the cover covers a saw blade having opposite first and second sides, a peripheral edge, and a plurality of teeth. Estkowski also does not teach that the heat shrinking material directly contacting tips of the teeth of the saw blade. However, the use of cover to cover the peripheral edge of a saw blade is well known in the art such as taught by Hill. Hill teaches a saw blade S including first and second sides, a peripheral edge, and a plurality of teeth that extend along the peripheral edge. Hill also teaches a cover C, C' that has first and second portions with opposite inner and outer surfaces. Hill also teaches that the first portion of the cover C, C', is facing the first side of the saw blade S and the second portion of the cover C, C' is folded over the first portion with the inner surface of the second portion facing the second side of

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the saw blade S. Hill also teaches that the teeth of the saw blade S are secured between the first and second portions of the cover. See Figs. 1-2 and page 1, lines 1-55 in Hill. It would have been obvious to a person of ordinary skill in the art to use Estkowski's protective cover to cover the circular disk as taught by Hill, in order to protect the circular disk peripheral edge by a heat shrinking material that can be easily attached to the peripheral edge of the circular saw. Estkowski as modified by Hill does not expressly teach that the heat shrinking material contacting the tips of the teeth of the saw blade. However, the use of shrinking materials with particular strengths to cover or protect sharp edges of tools or objects are well known in the art such as taught by Havens. Havens teaches a heat shrinking material 7 covers a sharp point 9 of an object 10. See Fig. 2 and col. 10, lines 1-10 in Havens. It would have been obvious to a person of ordinary skill in the art to extend the protective cover of Estkowski over the teeth of Hill's circular saw as taught by Havens in order to protect the teeth of the circular disk with a cover which easily attaches to the peripheral edge of the circular saw.

Regarding claim 60, Estkowski as modified by Hill teaches everything noted above including that the saw blade S, as modified by Hill, is generally circular and the first portion has a generally circular edge and the second portion extends from the first portion along peripheral edge of the first portion. See Figs. 1 and 2 in Hill.

Regarding claims 61 and 62, Estkowski teaches everything noted above including that the first portion of the cover 10 has a circular central opening and forms a ring shape with the second portion of the cover 10. The ring shape has an annular channel between the inner

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surface of the first and second portions in which the portions of the first and second sides and the teeth of the saw blade S (as taught by Hill) reside. See Fig. 1 in Estkowski and Hill.

Regarding claim 63, Estkowski teaches everything noted above including that the heat shrinking material 10 is PVC. See col. 2, lines 45-57 in Estkowski.

Regarding claim 64 and 65, Estkowski as modified by Hill teaches everything noted above including that the first and second portions of the cover 10 are respectively disposed against the first and second sides of the blade S, as taught by Hill. See Fig. 1 in Estkowski and Hill.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claim 56-65 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson (2,954,118) teaches a protective cover to cover the cutting edge of the saw. The protective cover is directly connected to the cutting edge of the saw.

Tsukada et al. (5,419,933), Jakesch (3,967,727), Van Erden (5,154,289), Halpern (4,098,577), O'Brien et al. (4,876,843), Angier (1,640,022), Binkowski (4,282,973), Skarsten (3,096,877), Nestell et al. (3,412,524), and Chow (4,174,037) teach heat shrinking materials covering annual objects and tools.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

May 27, 2004

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700